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STATE REPRESENTATIVE • 21ST ASSEMBLY DISTRICT

Assembly Bill 212

Throwing or expelling a bodily substance at a public safety worker and providing a penalty

Thank you Chairman Bies and Committee members for giving me the opportunity to testify today in support of Assembly Bill 212. This bill is a redraft of last sessions Assembly Bill 775 which passed the Criminal Justice committee on a vote of 9-1 and passed the full Assembly on a voice vote. Unfortunately the bill stalled in the Senate.

After speaking with my local police department I was told about a problem with enforcing the current laws on expelling bodily fluids at or towards public safety workers.

Currently, persons who throw or expel bodily fluids at a public safety worker can be charged with a Class I felony under s.941.375. There are three circumstances that qualify a person to be charged under the law: (a) a person expels bodily fluids with the intent that it come into contact with the public safety worker; (b) the person expels bodily fluids with intent to cause harm to the public safety worker; and (c) the public safety worker does not consent to having the bodily fluid expelled toward them. Under current law District Attorneys are having difficulty proving intent to cause bodily harm (b) and therefore these charges are being dropped.

To further protect emergency medical technicians, law enforcement, fire fighters and ambulance staff; and to allow District Attorneys to enforce present law, AB 212 simply removes section (b), the intent to cause bodily harm.

Milwaukee County DA John Chisholm has previously indicated that AB 212 is sound legislation that would make a reasonable modification to the law that is too narrowly defined.

The Milwaukee Police Association, the Professional Fire Fighters of Wisconsin, Inc. and the Wisconsin Professional Police Association all support this legislation.

Under this bill bodily fluids include: blood, semen, vomit, saliva, urine, feces, or other bodily substances; and public safety worker includes: emergency medical technician, first responder, peace officer, fire fighter, or person operating or staffing an ambulance.

Thank you for your time and consideration of this legislation.

Working For You!

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